



Administrative Policy No. 18.25

Title: Affirmative Action

Applies To: All Department of Social and Health Services (DSHS) Employees


Authorizing Sources: Presidential Executive Orders [11246 \(as amended\) and 11375](#);
Code of Federal Regulations (CFR) [Title 41, Part 60-2](#); [Title VII of the Civil Rights Act of 1964](#), as amended;
Equal Employment Opportunity governing guidelines, CFR Titles [28](#), [29](#), and [43](#);
[Vietnam-Era Veterans Readjustment Act of 1974](#);
Governor's Executive Orders [93-07](#) and [98-01](#)
Chapters [41.06](#) and [49.60](#) RCW
Chapter [357-25](#) WAC

Information Contact: Diversity Affairs Office

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Sunset Review Date: June 30, 2009

Approved By: 
Chief Administrative Officer

Procedure Background & Limitations:

[Chapter 357-25](#) WAC sets forth the requirements for affirmative action procedures.

The information that is shaded is specific to DSHS employees only.

1. What is the purpose of this chapter? (WAC [357-25-005](#))

The purpose of [chapter 357-25](#) WAC is to provide guidance to employers on affirmative action regarding the development and implementation of affirmative action goals and the monitoring of progress toward those goals.

2. What is the function of the Governor's Affirmative Action Policy Committee? (WAC [357-25-010](#))

The Governor's Affirmative Action Policy Committee oversees the development and approval of affirmative action plans and updates. The committee is established by the governor's executive order on affirmative action.

3. Who administers the statewide affirmative action program? (WAC [357-25-015](#))

The department is responsible for administering the statewide affirmative action program. The department provides technical assistance to employers in the development and implementation of affirmative action plans, updates, and programs.

4. What are the administrative responsibilities of the department? (WAC [357-25-020](#))

In accordance with state and federal laws, the department:

- a. Establishes guidelines to assist in developing and implementing affirmative action plans;
- b. Provides the essential data for determining availability of affected groups;
- c. Reviews and approves the technical aspect of affirmative action plans and updates;
- d. Assists in recruiting affected group members, including targeted recruitment when the representation of affected group members is less than its availability;
- e. Reviews the progress of employers in meeting goals and addressing problems identified in affirmative action plans and programs; and
- f. Reviews statewide employment trends for general government such as appointment, promotion, transfer, terminations, and formal disciplinary actions for adverse impact, as necessary.

5. What are the policy statement requirements that employers must comply with for the purpose of [chapter 357-25](#) WAC? (WAC [357-25-025](#))

All employers must maintain:

- a. An affirmative action and equal employment opportunity policy statement; and
- b. Policy statements on sexual harassment and reasonable accommodation.

The employer's affirmative action and equal opportunity policy statement must be reviewed and approved by the head of the agency, institution, or related higher education

board each year. The policy statements on sexual harassment and reasonable accommodation must be updated as needed.

DSHS policy statement:

DSHS is committed to equal employment opportunity for DSHS employees without regard to race, color, sex, age, religion, national origin, creed, disability, use of a trained guide dog or service animal by a person with a disability, marital status, sexual orientation, disabled veteran, Vietnam Era veteran status, recently separated veteran, or other protected veteran status.

Equal employment opportunity and affirmative action are vital responsibilities that are equally important within all functions of the agency. It is the responsibility of each employee to comply with and promote these policies. They are also applicable to any contractual agreements entered into by DSHS.

Equal employment opportunity is the goal, and the affirmative action plan is the vehicle by which the agency will fulfill this goal. In an effort to eliminate barriers and to improve employment opportunities available to under-represented groups, these policies must be implemented in all matters concerning recruitment, hiring, career development, training, promotion, transfer, retention, reclassification, disciplinary actions, termination, reversion and non-permanent appointments.

DSHS will provide an environment free from all forms of discrimination in accordance with [chapter 49.60](#) RCW. Employees shall not engage in any form of racial, religious, and sexual harassment related behavior including jokes, slurs, and innuendoes. This is inappropriate in the work environment and may be grounds for disciplinary action in accordance with any applicable collective bargaining agreement or Washington state merit system rules.

6. **What are the affirmative action reporting requirements that employers must comply with for purposes of [chapter 357-25](#) WAC? (WAC [357-25-030](#))**

Employers must report affirmative action information to the department as follows:

- a. If an employer has federal affirmative action reporting obligations, the employer must submit an affirmative action plan on a two-year cycle as set by the department.
- b. If the employer does not have federal affirmative action reporting obligations, the reporting requirements depend upon the employer's size.
 - i. Employers with 25 - 49 full-time equivalent (FTE) employees must submit a small agency/institution workforce profile annually.
 - ii. Employers with 50 or more FTE employees must submit an affirmative action plan on a four-year cycle as set by the department, with an update to the affirmative action plan two years into the cycle.

7. What is the purpose of affirmative action plans and updates? (WAC [357-25-035](#))

Affirmative action plans and updates are designed to increase the representation of affected group members in the workforce when it is determined that a particular affected group is underutilized.

8. What must an employer include in an affirmative action plan and update? (WAC [357-25-040](#))

An employer's affirmative action plan and update must address the employer's recruitment, appointment, promotion, transfer, training and career development practices. It must include all of the following components:

- a. A workforce profile reflecting total employees and total employees sorted by affected group status. The affirmative action update must also show a comparison between the current workforce profile and the previous submission.
- b. A utilization and goals report by job group, for each affected group, showing where goals have been set. The affirmative action update must reflect a goals analysis report indicating where goals have been met for the reporting period.
- c. A section containing a detailed narrative of the strategies to be employed to reach goals. The affirmative action update must also reflect the strategies employed during the reporting period.
- d. A response to the governor's affirmative action policy committee recommendations from the previous plan or update.

9. When must employers establish affirmative action goals? (WAC [357-25-045](#))

Employers must establish affirmative action goals for hiring and/or promoting members of affected groups when underutilization exists within a job group. Underutilization exists

when the utilization percent is less than the availability percent for a particular affected group within a job group.

10. How does an employer determine the affirmative action goal for an affected group? (WAC [357-25-050](#))

The affirmative action goal for an affected group is equal to the affected group's availability.

11. What affirmative action tools may employers use to increase the representation of person with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools and certified pools? (WAC [357-25-055](#))

To increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in applicant pools, employers may at any time recruit and screen these individuals for placement in eligible applicant pools in accordance with WAC [357-16-030](#).

To increase the representation of persons with disabilities, Vietnam-era veterans, disabled veterans, and persons age 40 and over in certified pools, the employer may certify these individuals in accordance with WAC [357-16-135](#).

These affirmative action tools must only be used when a goal exists for the specific affected group.